

AMENDED IN SENATE MAY 1, 2000

**SENATE BILL**

**No. 2031**

**Introduced by Senator Figueroa**

February 25, 2000

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~~An act to amend Sections 7810 and 7815.5 of the Business and Professions Code, relating to the State Board of Registration for Geologists and Geophysicists. An act to amend Sections 101 and 473.15 of the Business and Professions Code, and to amend Section 1.5 of an initiative act entitled "An Act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities, or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools, holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof" approved by electors November 7, 1922 (the Osteopathic Act), relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 2031, as amended, Figueroa. ~~State Board of Registration for Geologists and Geophysicists~~ *Professions and vocations.*

*Existing law provides for the Department of Consumer Affairs to regulate certain professional boards.*

*This bill would make additions, corrections, and deletions to the list of boards regulated by the department.*

*Existing law provides that the Joint Legislative Sunset Review Committee shall review certain boards regulated by the department.*

*This bill would make changes to the dates of reviews and the boards reviewed.*

*The Osteopathic Act, an initiative measure approved by the electors on June 2, 1913, provides for the regulation and licensing of osteopathic physicians and surgeons in this state by the Osteopathic Medical Board of California. The board presently consists of 5 licensed osteopaths and 2 members of the public.*

*This bill would increase the number of public members to 4. The Governor would appoint 2 of the public members, and the Senate Committee on Rules and the Speaker of the Assembly would each appoint the other 2 public members.*

~~The Geologist and Geophysicist Act provides for the creation of the State Board of Registration for Geologists and Geophysicists and provides for the appointment of an executive officer thereof. These provisions will become inoperative July 1, 2001, and will be repealed January 1, 2002. The repeal would render the board subject to review by the Joint Legislative Sunset Review Committee.~~

~~This bill would delete the operation and repeal dates applicable to these provisions, thereby extending the operation of these provisions for an unspecified time.~~

Vote: majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 7810 of the Business and~~
- 2 ~~SECTION 1. Section 101 of the Business and~~
- 3 ~~Professions Code is amended to read:~~
- 4 101. The department is comprised of:
- 5 (a) The Dental Board of California.
- 6 (b) The Medical Board of California.

- 1 (c) The State Board of Optometry.
- 2 (d) The California State Board of Pharmacy.
- 3 (e) The Veterinary Medical Board.
- 4 (f) The California Board of Accountancy.
- 5 (g) The California State Architects Board of
- 6 ~~Architectural Examiners.~~
- 7 (h) The ~~State Board~~ Bureau of Barbering and
- 8 Cosmetology.
- 9 (i) The Board for Professional Engineers and Land
- 10 Surveyors.
- 11 (j) The Contractors' State License Board.
- 12 (k) ~~The State Board of Funeral Directors and~~
- 13 ~~Embalmers Bureau for Private Postsecondary and~~
- 14 ~~Vocational Education.~~
- 15 (l) The Structural Pest Control Board.
- 16 (m) The Bureau of Home Furnishings and Thermal
- 17 Insulation.
- 18 (n) The Board of Registered Nursing.
- 19 (o) The Board of Behavioral Sciences.
- 20 (p) The State Athletic Commission.
- 21 (q) The Cemetery ~~Board~~ and Funeral Bureau.
- 22 (r) The State Board of Guide Dogs for the Blind.
- 23 (s) The Bureau of Security and Investigative Services.
- 24 (t) The Court Reporters Board of California.
- 25 (u) The Board of Vocational Nursing and Psychiatric
- 26 Technicians.
- 27 (v) The ~~California State Board of~~ Landscape
- 28 Architects *Technical Committee*.
- 29 (w) The Bureau of Electronic and Appliance Repair.
- 30 (x) The Division of Investigation.
- 31 (y) The Bureau of Automotive Repair.
- 32 (z) The State Board of ~~Registration~~ for Geologists and
- 33 Geophysicists.
- 34 (aa) ~~The State Board of Nursing Home~~
- 35 ~~Administrators.~~
- 36 ~~(ab) The Respiratory Care Board.~~
- 37 ~~(ac)~~
- 38 ~~(ab) The Acupuncture Examining Committee Board.~~
- 39 ~~(ad)~~
- 40 (ac) The Board of Psychology.

1     ~~(ae)~~  
2     ~~(ad)~~ The California Board of Podiatric Medicine.  
3     ~~(af)~~  
4     ~~(ae)~~ The Physical Therapy Board.  
5     ~~(ag)~~  
6     ~~(af)~~ The Arbitration Review Program.  
7     ~~(ah)~~  
8     ~~(ag)~~ The Committee on Dental Auxiliaries.  
9     ~~(ai)~~  
10    ~~(ah)~~ The Hearing Aid Dispensers Examining  
11    ~~Committee~~ Advisory Commission.  
12    ~~(aj)~~  
13    ~~(ai)~~ The Physician Assistant Examining Committee.  
14    ~~(ak)~~  
15    ~~(aj)~~ The Speech-Language Pathology and Audiology  
16    Board.  
17    ~~(al)~~ The Tax Preparers Program.  
18    ~~(am)~~  
19    ~~(ak)~~ *The Osteopathic Medical Board of California.*  
20    ~~(al)~~ Any other boards, offices, or officers subject to its  
21    jurisdiction by law.  
22    *SEC. 2. Section 473.15 of the Business and Professions*  
23    *Code is amended to read:*  
24    473.15. (a) The Joint Legislative Sunset Review  
25    Committee established pursuant to Section 473 shall  
26    review the following boards established by initiative  
27    measures, as provided in this section:  
28    (1) The State Board of Chiropractic Examiners  
29    established by an initiative measure approved by electors  
30    November 7, 1922.  
31    (2) The Osteopathic Medical Board of California  
32    established by an initiative measure approved June 2,  
33    1913, and acts amendatory thereto approved by electors  
34    November 7, 1922.  
35    ~~(b) The State Board of Chiropractic Examiners and~~  
36    ~~the~~ Osteopathic Medical Board of California shall prepare  
37    an analysis and submit a report as described in  
38    subdivisions (a) to (e), inclusive, of Section 473.2, to the  
39    Joint Legislative Sunset Review Committee on or before  
40    September 1, ~~1998~~ 2003.

1 (c) *The State Board of Chiropractic Examiners shall*  
2 *prepare an analysis and submit a report as described in*  
3 *subdivisions (a) to (e), inclusive, of Section 473.2, to the*  
4 *Joint Legislative Sunset Review Committee on or before*  
5 *September 1, 2001.*

6 (d) The Joint Legislative Sunset Review Committee  
7 shall, during the interim recess of ~~1998~~ 2003 *for the*  
8 *Osteopathic Medical Board of California, and during the*  
9 *interim recess of 2001 for the State Board of Chiropractic*  
10 *Examiners, hold public hearings to receive testimony*  
11 *from the Director of Consumer Affairs, the board*  
12 *involved, the public, and the regulated industry. In that*  
13 *hearing, each board shall be prepared to demonstrate a*  
14 *compelling public need for the continued existence of the*  
15 *board or regulatory program, and that its licensing*  
16 *function is the least restrictive regulation consistent with*  
17 *the public health, safety, and welfare.*

18 ~~(d)~~

19 (e) The Joint Legislative Sunset Review Committee  
20 shall evaluate and make determinations pursuant to  
21 Section 473.4 and shall report its findings and  
22 recommendations to the department as provided in  
23 Section 473.5.

24 ~~(e)~~

25 (f) In the exercise of its inherent power to make  
26 investigations and ascertain facts to formulate public  
27 policy and determine the necessity and expediency of  
28 contemplated legislation for the protection of the public  
29 health, safety, and welfare, it is the intent of the  
30 Legislature that the State Board of Chiropractic  
31 Examiners and the Osteopathic Medical Board of  
32 California be reviewed pursuant to this section.

33 ~~(f)~~

34 (g) It is not the intent of the Legislature in requiring  
35 a review under this section to amend the initiative  
36 measures that established the State Board of Chiropractic  
37 Examiners or the Osteopathic Medical Board of  
38 California.

39 SEC. 3. *Section 1.5 of the Osteopathic Act is amended*  
40 *to read:*

1 Sec. 1.5. In addition to the five members of the  
2 Osteopathic Medical Board of California as provided for  
3 in Section 1, there shall be ~~two~~ *four* public members on  
4 the board. The public members shall not be a ~~licensee~~  
5 *licensees* of any board in Division 2 (commencing with  
6 Section 500) of the Business and Professions Code nor of  
7 any initiative act referred to in that division. The ~~public~~  
8 ~~members shall be appointed by the Governor shall~~  
9 *appoint two of the public members and the Senate*  
10 *Committee on Rules and the Speaker of the Assembly*  
11 *shall each appoint a public member. The public member*  
12 *shall serve for a term of three years and shall not serve for*  
13 *more than three full consecutive terms.*

14 ~~Professions Code is amended to read:~~

15 ~~7810. The State Board of Registration for Geologists~~  
16 ~~and Geophysicists is within the department and is subject~~  
17 ~~to the jurisdiction of the department. Except as provided~~  
18 ~~in this section, the board shall consist of eight members,~~  
19 ~~five of whom shall be public members, two of whom shall~~  
20 ~~be geologists, and one of whom shall be a geophysicist.~~

21 ~~Each member shall hold office until the appointment~~  
22 ~~and qualification of the member's successor or until one~~  
23 ~~year has elapsed from the expiration of the term for which~~  
24 ~~the member was appointed, whichever occurs first.~~  
25 ~~Vacancies occurring prior to the expiration of the term~~  
26 ~~shall be filled by appointment for the remainder of the~~  
27 ~~unexpired term.~~

28 ~~Each appointment shall be for a four-year term~~  
29 ~~expiring June 1 of the fourth year following the year in~~  
30 ~~which the previous term expired. No person shall serve~~  
31 ~~as a member of the board for more than two consecutive~~  
32 ~~terms.~~

33 ~~The Governor shall appoint three of the public~~  
34 ~~members and the three members qualified as provided in~~  
35 ~~Section 7811. The Senate Committee on Rules and the~~  
36 ~~Speaker of the Assembly shall each appoint a public~~  
37 ~~member, and their initial appointment shall be made to~~  
38 ~~fill, respectively, the first and second public member~~  
39 ~~vacancies that occurred on or after January 1, 1983.~~

~~At the time the first vacancy is created by the expiration of the term of a public member appointed by the Governor, the board shall be reduced to consist of seven members, four of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist. Notwithstanding any other provision of law, the term of that member shall not be extended for any reason, except as provided in this section.~~

~~This section shall become inoperative on July 1, \_\_\_\_\_, and, as of January 1, \_\_\_\_\_, is repealed, unless a later enacted statute, that becomes operative on or before January 1, \_\_\_\_\_, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).~~

~~SEC. 2. Section 7815.5 of the Business and Professions Code is amended to read:~~

~~7815.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.~~

~~This section shall become inoperative on July 1, \_\_\_\_\_, and, as of January 1, \_\_\_\_\_, is repealed, unless a later enacted statute, which becomes effective on or before January 1, \_\_\_\_\_, deletes or extends the dates on which it becomes inoperative and is repealed.~~